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The
PROGRESS *of*
PROBATION

By EDWIN J. COOLEY
Chief Probation Officer



BEING AN ACCOUNT *of the* DEVELOPMENT
and ACCOMPLISHMENTS *of* PROBATION,
PARTICULARLY DURING *the* PAST
FOUR YEARS



MAGISTRATES' COURTS
of NEW YORK

OCTOBER FIRST, NINETEEN TWENTY

MAGISTRATES'
COURTS OF
NEW YORK

unacc

"They see him exert an influence

** * **

Upon the morality of the community,

** * **

Upon the peace and quiet and

** * **

Conception of justice of the masses

** * **

Which no other court can wield.

** * **

It would seem to have been

** * **

Demonstrated that the public

** * **

Interests are safe in the Magistrates'

** * **

Hands and that their powers

** * **

Can with entire safety

** * **

Be materially broadened."



THE
PROGRESS
OF
PROBATION

BOARD
OF
CITY MAGISTRATES

Chief City Magistrate
WILLIAM McADOO

Manhattan and The Bronx

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MATTHEW P. BREEN
ALEXANDER BROUGH
W. BRUCE COBB
JOSEPH E. CORRIGAN
BERNARD J. DOURAS
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Deputy Chief Clerk
WILLIAM F. DELANEY

Secretary
ROBERT E. BRODERICK

300 MULBERRY STREET, NEW YORK CITY

MAGISTRATES'
COURTS OF
NEW YORK

"Probation Officers are

** * **

The good Samaritans of the Courts

** * **

Seeking by kindly guidance and

** * **

Practical service to bring back to

** * **

Self-respect and usefulness those

** * **

Who by ignorance, wilfulness or

** * **

Misfortune have fallen into the

** * **

Hands of the law."



THE
PROGRESS
OF
PROBATION

THE PROBATION SERVICE



Probation Court

ALEXANDER BROUGH, *Presiding Magistrate*

JESSE BERNHARD, *Clerk*

Chief Probation Officer

EDWIN J. COOLEY

Deputy Chief Probation Officers

GEORGE J. LAVENDER

JOHN T. COFFEY

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Harry Bernhard	John Keating
Saverio Bongiorno	Joseph J. Mackey
Elizabeth B. Boyce	Mabel Macomber
Frances M. Broadhead	Edward L. Martin
George E. Campbell	Silas D. Moore
John T. Conway	Carrie McCauley
Frank Cooley	Mary G. A. McElroy
Margaret Coyle	William J. McElroy
Joseph E. Cunningham	Alexander J. McKillop
Anna Doyle	Rose McQuade
James J. Drew	John Philip O'Connor
James A. Drout	Edmund J. O'Keefe
Myrtis M. Fish	James F. O'Kelly
John P. Fitzgerald	Patrick O'Reilly
Thomas F. Foy	Daniel J. O'Shea
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John Patrick Hayes	Matthew J. Troy
Mary E. Hickey	Clara E. VanEmden
William B. Hodge	Margaret V. Virden
Marie P. Holden	Howard P. Weir
Myra P. Hughes	

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Miriam Feinman	Hyman E. Letzter
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Abraham Goldman	Dennis T. Lynch
Sadie Grabow	Mary Mullen
Ruth E. Greenlay	Helen M. Murray
Madeline M. Heath	Margaret A. C. McNulty
Lillian Kaplan	Bella Newman
Hermione R. Koecher	Henry G. Rosenthal
	Charles H. Thompson

MAGISTRATES'
COURTS OF
NEW YORK

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MAGISTRATES'
COURTS OF
NEW YORK

"Probation is the out growth of a

** * **

More humane spirit,

** * **

Of a better understanding

** * **

Of what society

** * **

Owes to those who go wrong.

** * **

It is a realization that the debt

** * **

Is not all on one side,

** * **

An appreciation of the fact

** * **

That it is better to reclaim a man

** * **

'Than it is to make a physical

** * **

And moral wreck of him."



THE
PROGRESS
OF
PROBATION

I.

JUSTICE AND PROBATION

"Equal and exact justice has been the passionate demand of the human soul since man has wronged his fellow man; it has been the dream of the philosopher, the aim of the lawgiver, the endeavor of the Judge, the ultimate test of every Government and every civilization." The words are those of Chief Justice Winslow of the Supreme Court of Wisconsin. As careful an observer as Lyman Abbot has stated *"The first duty of society to the poor is not to give them charity but to secure for them justice."*

The end of all our legal institutions is to secure justice and it was in the fulfillment of this end that probation was born and came into our criminal courts. Of it the "Page" Commission, New York State, 1910, said, *"We know of no more marked step forward in the administration of criminal jurisprudence than the Probation System."* Probation is the agent of justice—an important aid in the administration of true and discriminating justice. In the public mind probation has been identified very largely with charity and has been regarded almost entirely as the act of a merciful and lenient judge. It is, however, in the light of a vital and integral part of the machinery of justice that we would like to discuss it in these pages.

It has been asserted that probation establishes a new principle of justice, that with it retribution and punishment cease, and that justice gives consideration only to the rebuilding of the career of the individual convicted. We have not changed the principles of justice, but merely the practices of penology. Justice means that we must give each man his due. Probation includes the upbuilding of character of the offender but it does not exclude retributive justice. Oftimes justice must punish severely. The leaders of probation insist upon this. The ancient theory that restitution is a part of justice still remains in these Courts. If a man has deprived another of his property or has destroyed what belongs to his neighbor, under the law, he may be sentenced to a term on probation, during which he must return either what he has taken or the amount of the damages he has done. We have established no new theory of justice. All that we have done is to apply the old principles of justice in a higher and finer degree without the cruelties which seemed to be essential to the administration of the law in the days gone by.

Giving Each Man His Due

A separate branch of the Probation Department has been established for the purpose of seeking out for the Magistrate the facts which will aid the Court in determining whether the defendant should be placed on probation or *dealt with otherwise*. This is the investigating branch. Before sentence is imposed upon a person who has been convicted, one of the probation officers thoroughly investigates the business, home, social relationship and criminal record of the defendant so that a Magistrate may know not only the case before him, but something about the character and career of the defendant. In this way the investigating branch of the Probation Department is able to point out to the Magistrate for his severest sentences scoundrels who are seeking his pity. The investigation is not made for the purpose of appealing to the Magistrate to put the man on probation. It is made to aid the Magistrate in discriminating on well-grounded information so that he may send the rascal to jail and the decent

unfortunate to liberty under the supervision of a Probation Officer. What is being called to attention is the strength of the Probation System. It is not a sentimental or charitable institution. The ultimate criterion of justice is truth. The Probation Officer seeks out the truth as an agent of the Magistrate, so that where retribution should be the norm of punishment the Magistrate may exact it strongly and with full confidence that no mistake is being made.

The eloquent pleas of attorneys setting forth the lifelong virtues of defendants, have become tempered in recent years by the knowledge the attorneys have, that, when they have finished, a Probation Officer will present in a calm and deliberate manner the facts of the life of the man whose punishment is under consideration. Thus probation lends strength to the judicial system.

Justice is not inert. It permits of, in fact it commands that the penalties shall be such that they shall punish a prisoner adequately, but that they shall not be altogether out of proportion either in their direct weight or their indirect effects upon a prisoner. In the old days when the whipping post was established we know that men were lashed until their backs were stripped and mangled. We are not told that after the pain had been inflicted upon them that their wounds were dressed by a physician lest their lives might be forfeited as a result of the punishment. Now, when a man is punished by a conviction and his character is harmed or his opportunities in life are lessened as an indirect effect of the penalty, we attempt to aid him, not by concealing or condoning the wrong he has done, but by assisting him to redeem himself. We help him to secure employment, and attempt, if he proves deserving of it, to regain as far as possible the trust of his friends and the confidence of his business associates. He has been punished and justice has had her due, and knowing full well, too, that he will again, at the expiration of his term, return to society a free man, we strive to mould him so that when the hour of his complete liberty has arrived he will return without hatred of government or disrespect of law, and yet fully conscious of the suffering that crime brings upon him.

Justice and Mercy

There is a clear distinction in good judgment between justice and mercy. If a man has injured his neighbor or injured a community, it is a part of justice to measure by a penalty the gain in pride, advancement, satisfaction or profit that the offender secures through his misdeed and by that penalty to take back from him as much as he has wrongfully achieved. Frequently when a judge sees that an offender is heartily sorry for what he has done and is willing to start out again under a resolution to live in accord with the law, the judge is merciful and does not take back from him the full meed of the injury he has done, but extends mercy and lets him go, provided there is no recurrence of the wrong. But acts of clemency by judges are no longer granted extravagantly. They are not wasted. The Probation Department is made the trustee of the mercy of the Court. Mercy is too sacred a force in government to be squandered. Many judges, warm hearted and kind, are chilled and become calloused when they see prisoners who have been dealt with mercifully flout the concessions which have been made to them in the name of humanity and bring the good heart of justice into contempt. Therefore, when a judge is merciful and allows a man to go unwhipped of justice, he directs a Probation Officer to supervise over a period of time the life of the prisoner, to watch his actions, to treat him with friendship and encouragement, to aid him in every way and to report to the Court

any misconduct or lack of appreciation on the part of the man to whom mercy was extended. Thus we have established the trusteeship of mercy. The cheat may secure the gift of mercy, but in a short time a careful Probation Officer will present him again to the judge with the information that he has proved himself unworthy. So the gift is lost and justice can be done. Probation, therefore, is the guaranty of justice.

A. PROBATION AS A FORM OF PUNISHMENT

To some persons probation suggests the absence or abandonment of punishment and discipline, and suggests only clemency. This is not true of probation when the system is properly applied. While probation is humane and beneficent in its purposes, it includes correction and discipline as very essential elements. Where the system is properly carried on, probationers realize very keenly that probation is something serious. If necessary, the surveillance over the probationer may be so close, and the requirements as to conduct so exacting, as to become a very real form of punishment.

That probation may be made punitive is shown by the following facts:

Probation requires obedience to certain conditions and instructions, and restricts the liberty of the probationer with respect to his actions, habits, recreations, associations, work and place of abode.

Probation requires the probationer to report to the Probation Officer, or to the Court, at specified times — sometimes as often as once a day; and such reporting is often an inconvenience and hardship.

Probation keeps the probationer under surveillance, and subjects him to visitation in his home and elsewhere, and to investigation as to his whereabouts and actions.

Probation often causes a probationer humiliation and leads to sincere remorse.

The probationer is made to realize that for violating his probation he may be re-arrested, imprisoned, fined, or have the probation lengthened and made more exacting. (About one-tenth of those placed on probation are subsequently committed for violating its conditions.)

Probation may include the requirement that the probationer while on probation pay a fine, restitution, reparation, or weekly payments for the support of his family.

In some cases probation is more of a punishment than would be imprisonment in jail, the imposition of a fine, or the requiring of bonds. Not a few men would prefer loafing in a warm jail during the winter months, than to being obliged to work, to conduct themselves properly, and to be under probationary supervision. Others would prefer to pay a fine and have their cases closed, than to continue, week after week, and month after month, under probationary oversight and restriction. Disorderly persons would often prefer to be placed under bonds, than to be subjected to the supervision and direction of a Probation Officer.

In so far as probation is punitive, and in so far as punishment acts as a deterrent, probation has deterring effects.

B. PROBATION SEEKS THE TRUTH

In seeking for the truth, probation naturally travels along scientific trails. Where it finds that sickness in a home and the expense thereof has been the occasion of the commission of crime by a member of the household, it secures medical assistance for the family and thus relieves the burden of expense and so destroys the urging of temptations. If a man lives in an environment of rowdies, idlers, gamblers and sneaks, he is directed to move and if necessary his household effects are physically moved to a better place. If an impulse to commit a crime seems to be founded on mental defectiveness the prisoner is presented to a specialist and the best advice on his condition is secured. If young men are extravagant they are taught how to keep bank accounts. If women neglect their homes the services of someone to instruct them on domestic affairs is obtained. Probation does not do this on a principle of charity, but under the dictates of justice. Judicial justice is no mean force, nor is it a restricted and crippled force in the conduct of government. It has as many sparkling sidelights as legislative and executive justice. It cannot stop with its verdicts. Its last word is not written upon dockets, but, like an athlete who plays his game well, it must "follow through" to the end of its work.

Thus probation gives to justice truth, as far as human beings can find it in the complex affairs of society. It distinguishes between the impostor and the scoundrel on the one hand and the over-tempted weakling on the other. It helps to find the mental defective, the sick, the poor and the first offender. It aids in the enforcement of retributive justice. It is a vehicle of restitution. It is the custodian of mercy. It is the up-builder of the wreck of humanity that seems destined for complete destruction. "In old days there were Angels who came and took men by the hand and led them forth from the City of Destruction. We see no white-winged Angels now, but a hand is put in theirs which leads them forth gently towards a calm and bright land so that they look no more backward, and that hand may be" — PROBATION. And as a crown of it all we hope to make probation the great deciding force in that fine exercise of civil power revered as pardon.

When a man who has passed through his period of probation honorably, keeping the laws and meeting his obligations, says, as the closing hours arrive, "I have done wrong. I am sorry. Forgive me," to him we hope in the end to present a certificate from the Government that represents the Society he has offended, cleansing him of the guilt that is upon him and so lift him up again to the position among his fellows which his contrition so well deserves.

II.

THE PROBATION WORK OF THE MAGISTRATES' COURTS

"No matter how mean or hideous a man's life is, the first thing is to understand him; to make out just how it is that our common human nature has come to work out in this way. This method calls for patience, insight, firmness and confidence in men, leaving little room for the denunciatory egotism of a certain kind of reformers. It is more and more coming to be used in dealing with intemperance, crime, greed, and in fact all those matters in which we try to make ourselves and our neighbors better."

These words, written by Charles Horton Cooley, might have been spoken directly of the work that is being done in the Magistrates' Courts of New York City, both by the Magistrates, and, co-operating with them, by the Probation Bureau. No longer is the feeling that pervades the treatment of offenders one of retribution and punishment alone. Today the emphasis is on *diagnosis* and *treatment*, with the hope of reconstructing the individual and making him an asset, instead of a *liability*, to the community. The work that is being done in the Magistrates' Courts and the Probation Bureau is like the work accomplished in a large clinic where skillful physicians, trained attendants and medical social workers are busy at their work of healing and reconstruction. The same sympathetic understanding of what is wrong, followed by adequate treatment of the condition, is found in this great *social clinic*.

The question is often asked, "Just what does a Probation Officer do for and with those placed under his care, and just what happens when a person is placed on probation?" There are a good many who are decidedly hazy as to just what probation is. Some think that the Probation Officer is a cross between a police officer with a club, gun and billy, representing force and repression, and the reformer with sentimental and impractical theories. Many of our citizens do not know how our courts work. When a policeman arrests a man on the street a crowd immediately gathers. Then the man is taken away and the bystanders disperse. But what happens next?

It is because the work of probation is so large, because it so vitally affects the whole community, because it has definite and fundamental principles underlying it, because it affords opportunity for *individualization in the treatment* of offenders, which is the basis for all scientific consideration of the subject, and because it needs an intelligent and informed public opinion in order to carry on its work most effectively — it is because of all these reasons that the following pages have been written, to set forth as clearly as possible, just what probation is, what it does, and how it does it.

Statistics have proved that a large proportion of confirmed criminals began their career with petty offenses. Had they been taken in the earlier stages of their departure from right-doing and been helped under the oversight of intelligent Probation Officers to take their places again in the community as normal citizens, instead of having been sentenced for petty offenses, many of those now branded with the mark of convict would undoubtedly have been saved.

To fully appreciate and understand the work of probation, it is necessary to know something of the *principles* and *methods* which operate in the great court system of the city.

The Magistrates' Courts of New York

The Magistrates' Courts of New York City in all their divisions deal with many and varied social illnesses. They are the courts of first instance, the poor man's courts, and vitally important to the welfare of the city. These courts, moreover, are for the great mass of the population the most important part in the whole legal machinery. From these courts the ordinary citizen of modest means derives his knowledge of the administration of justice, because such courts are his only points of contact with the law. Nearly 300,000 people are arraigned yearly in the Magistrates' Courts. The offenses vary from serious and sensational crimes, along the gamut of human conduct to such petty offenses as violations of city ordinances. There are the Women's Courts, where all women's cases are heard, from the runaway incorrigible girl to the hardened prostitute. There are the Traffic Courts, which so directly affect the individual safety of every member of the city population. There are the Domestic Relations Courts which help the deserted wife and children and also the aged and deserted parents in obtaining their rights. There are the Municipal Term Courts where violations of the compulsory education, labor, health and tenement laws and ordinances are heard. There is the Men's Night Court which sits in the evening, saving men loss of time from their work and from the disgrace and humiliation of confinement in jail when arrested after the day court has adjourned. There are the District Courts where those arrested for disorderly conduct and intoxication, drug addicts and sex offenders, vagrants and beggars and many others are arraigned daily—all things closely affecting the life of the community and of all the individuals making up the community.

A. THE SPIRIT OF THE COURTS

A visitor to these courts, which are scattered throughout the Greater City would be surprised to find them often housed in shabby and entirely inadequate buildings. This is forgotten, however, when one watches the procedure, which is rich in understanding and sympathy, and constructive treatment of the offender against society. The judges are uniformly socially-minded and the ideal which dominates all of them is not the old one of punishment for punishment's sake, but rather the reconstruction, wherever possible, of the individual offender so that he may again take his place in the community as a normal citizen. In order to achieve this ideal the judges call frequently upon the Probation Service to assist in carrying out their plans for the individual.

The Service of Probation

Let us see what probation means to the offender. At the time he is before the court, the Magistrate has only the facts of the offense, with such supplementary information as the police officer and the citizen complainant may be able to give. Very little, if anything, is known with regard to the life of the offender. The Probation Law provides that after conviction the Magistrate may direct a Probation Officer to investigate the antecedents, character and circumstances of the offender. If the investigation discloses a bad record in the past, the prisoner may be sentenced, and thus the community is safeguarded and protected. If the defendant has borne a good reputation, and if there are mitigating circumstances in connection with his present trouble, these are brought to the attention of the Court and often modify the sentence which would otherwise have been given. The idea of fair dealing and fair play is, therefore, firmly impressed upon the offender. "True probation does not condone the offense. It takes into account not only the circumstances of the crime, but the circumstances and temptations of the criminal. It gives him the opportunity to earn the remission of the penalty by future good conduct. Probation says to him that it understands something at least of the conditions that surround him and offers to help him. It tells him that he has to put himself into the new endeavor and while it stands ready to give him aid and encouragement, it cannot do the things that he alone can do."

The Deserted Mother

Let us see what probation means to the deserted mother. With the help of the Probation Officer her husband is made to provide for his children. The Probation Officer sees to it that he works and obeys the court order to pay for the support of his family. The home is kept together and the children are spared institution life, which, no matter how good, cannot take the place of a mother's care. The Probation Officer also sees to it that the grown and married sons and daughters support the old mother or father who is infirm and no longer able to be self-supporting. In general, the Probation Officer seeks to keep families together, to keep children with their mothers, to build up broken homes, realizing that six out of every ten delinquent boys come from homes in which the parents are not living together. *These intricate family problems tax the powers and ability of the Probation Officer to the utmost.*

The Youthful Delinquent

In the cases of young boys who have been arrested for disorderly conduct, rowdyism, etc., the Probation Officer has a very important part to play. These boys, often first offenders, are good material for future citizens. Through the efforts of the Probation Officer, work is found for them, recreation obtained through settlements and clubs, bank accounts started, church connections built up and strengthened; in fact, every reconstructive agency in the community is called into play for their benefit.

The Foreign Born

Many offenders are found to be foreign-born and often they have broken the law because of ignorance and misunderstanding. Some of these, who have not understood why they have been arrested and have been bitter and sullen at what they considered injustice, now through the practical helpfulness of the Probation Officers have come to understand the reasons for the laws they have broken. Probation Officers of their own nationality have been able to bring them the great message of democracy and have inspired them with the desire to become not only citizens, but public-spirited and valuable ones.

The Delinquent Girl

The women Probation Officers are more than big sisters to their charges. Often runaway girls turn out to be of foreign parentage. These parents, not recognizing that they should have left behind in the old country the customs and habits which were suitable there but which will not fit in the new world, have kept their girls too strictly at home, not allowing them the ordinary innocent recreations which our girls enjoy. The result of this treatment has been that the girl has left her home and has fallen into unscrupulous hands. The work of the women Probation Officers in cases of this kind is so tremendous that it makes one pause. Not only must she secure a suitable place for the girl to live, work under proper conditions, the spiritual aid of church and religion, and proper recreational and educational opportunities as furnished by settlements and clubs, but also she must endeavor to educate the foreign mother, so that the younger girls of the family will not follow in the footsteps of their sister. It is her task also to effect a reconciliation and a more sympathetic understanding between the parents and their daughter. In fact, everything is done to wipe out past mistakes and build for the future.

B. THE PURPOSE OF PROBATION

Only a small proportion of the offenders brought before the City Magistrates' Courts are criminals. The majority are chance offenders, the victims of environment, among whom there is much precious human salvage. It was for the purpose of increasing the percentage of human salvage, of saving from prison those lives which were only partially damaged, and of nursing them back to moral health that probation has been instituted. "Probation is a recognition in the field of crime and punishment, first, of the sensitiveness of unformed character to the influence of circumstances; second, of the responsibility of

society itself for the direction of this influence; and, third, for the superiority in certain well defined cases of home oversight to any form of prison discipline as a means of improvement." The oversight without stigma, the replacement in normal circumstances, engagement in ordinary industry, the opportunity of applying individual care and adopting methods suitable to the individual case, the power of applying the wholesome discipline of making compensation, and compelling the support of family and, lastly, the saving to the community of the expense of support in an institution, places the advantages of the system in suitable cases beyond all question.

Probation Defined

Probation is a system of disciplining and seeking to improve the conduct and character of offenders without committing them to correctional institutions. In placing defendants on probation, a Court conditionally releases them on good behavior and places them under the friendly but authoritative oversight of a Probation Officer appointed by the Court. The Court requires the probationers to follow a proper course of conduct; for example, to keep away from harmful companions, to work regularly, and to avoid bad habits. If the probationers fail to do this, the Probation Officer is empowered to return them to court for more drastic treatment. For a certain period, varying from six to twelve months, they are watched over by the Probation Officer. Their habits and surroundings are studied and efforts are made to change those unfavorable to good conduct. At the end of the probationary period the probationer is discharged if he has responded to his opportunity and no penalty for his offense is imposed. However, if the probationer has not responded and has not improved, he is returned to court and sentenced for the original offense.

New York Fortunate In Its Magistracy

The City Magistrates' Courts are extremely fortunate in having as directing head a man of such far-sighted wisdom as the Hon. William McAdoo, Chief City Magistrate. Judge McAdoo and all the members of the Board of City Magistrates have done splendid pioneer work in the field of probation. They have always shown themselves ready to advance the interests, not only of the community but at the same time of the individual offenders coming before the Courts. The entire Board of City Magistrates has shared Judge McAdoo's social vision. They have been especially helpful in the selective process and weeding out of the proper kind of material for probation work. They have long since recognized that the pickpocket and others of his kind, who deliberately spend several years in learning their illicit trade, are not the type of offenders with whom reconstructive work can be done. Probation is intended primarily for the treatment of persons who do not habitually offend and who are likely to follow a proper course of conduct if released on probation. The Magistrates have been quick to see the value to the community of reclaiming the first offender. Without this most helpful co-operation on the part of the Magistrates, much of the work of the Probation Officers would be useless.

The Praiseworthy Spirit of the Probation Officers

The Probation Officers on their part have gained the confidence of the Courts and have won the sympathetic support of the Magistrates as is evidenced by the large number of defendants placed on probation. Moreover, the spirit of the individual Probation Officers has been admirable and they deserve special credit for the great amount of hard work which they have performed under very discouraging conditions. The large number of preliminary investigations which they have had to make, the excessive number of supervisory cases placed in their care and the great amount of clerical work which has been thrust upon them, have placed an almost unbearable burden upon the shoulders of the Probation Officers.

III.

THE PROBATION PROBLEM IN NEW YORK CITY

As has been shown, the work of the Probation Bureau is of essential importance to the community. In a city as large and complex as is New York City, the administration of this service becomes a very important problem.

Of a vast size, enormous population and complex political organization, New York City is divided into five boroughs with a total population of more than six millions and an area of 315 square miles. The Magistrates' Courts of New York, which are courts of first instance, include 34 different courts—23 District Courts, 3 Family Courts, 2 Women's Courts, one Men's Night Court, one Probation Court, 2 Traffic Courts and 2 Municipal Term Courts. Forty-three Magistrates are responsible for the work of these courts where almost 300,000 offenders yearly are arraigned.

The Chief Probation Officer, subject to the direction of the Chief City Magistrate and the Board of City Magistrates, supervises and is responsible for all the activities of the Probation Service. Two Deputy Chief Probation Officers, one in Manhattan directing the work of the Manhattan and Bronx Boroughs and the other in Brooklyn directing the work of Brooklyn, Queens and Richmond Boroughs, are responsible to him for the work of their respective localities.

The Probation Bureau of the City Magistrates' Courts is undoubtedly the largest probation clinic in the country. The fact that 6,668 adult delinquents were released last year in the Magistrates' Courts of New York City in the care of 58 Probation Officers (to say nothing of the 4,013 carried over from the previous year) is sufficient to make one pause. In addition to having 10,687 persons under supervision, the Probation Officers also conducted 4,843 preliminary investigations. Each Probation Officer must cover an area averaging about 7 square miles, each district having an average population of 150,000. The enormous amount of the work and the size of the territory to be covered gives rise to acute and massive administrative problems.

A. LARGER PROBLEMS OF PROBATION

1.—A force limited and entirely inadequate in number and constantly overworked must be so selected, trained and directed that maximum results as to quality, quantity and rapidity of work will be obtained.

2.—The public must be educated as to probation, and its support must be enlisted so as to at least make possible the increase of the probation staff to keep pace with the tremendous yearly increase in the amount of the probation work.

3.—The co-operation of the judges and the courts must be secured to prevent the assignment to probation of improper material, to give moral support to the Probation Officer in his work of supervision, and also to give to the probation process the dignity and significance that it requires to properly impress the probationer. In a large city, with its distracting influences, the dignity and impressiveness of the probation process must be brought home to the probationer with trip-hammer force.

4.—The co-operation of all public and private agencies and community resources must be obtained and utilized exhaustively to supplement the facilities of the Probation System and to render effective and essential aid to the probationer. This also eliminates duplication of effort and loss of valuable time and energy.

5.—The proper tools, records, equipment, traveling expenses, vacation periods, etc., must be provided so that the Probation Officer will not be handicapped in his fundamental work by mechanical difficulties and extraneous obstacles.

Let us consider the foregoing briefly in the order mentioned and inquire just how far they have been solved in the Probation System of the Magistrates' Courts of New York City.

1. THE PROBATION OFFICER

The most important problem of an administrator is that of securing a capable probation staff, for the most significant factor in probation work is the personal influence of the Probation Officers. The other factors simply provide conditions under which that influence may be rendered effective. Probation Officers should be persons of absolute integrity, intelligence, of humane sentiments, of sound judgment and of unquestioned devotion to their work. To these qualities two others should be added to complete the ideal Probation Officer: first, a broad training in social work, which includes a thorough knowledge of the laws enacted for the protection of society and for promoting the welfare of its less fortunate members, and also a thorough acquaintance with all the agencies, public and private, established for the administration of those laws; and, second, the wisdom gathered from extended experience in the work itself.

Appointment of Officers

It is cause for congratulation that Probation Officers are appointed by the Courts, instead of being appointed from the political field. No service would suffer more acutely from the intervention of politics. Experience has shown that the most satisfactory method of obtaining the right kind of Probation Officers is that of the civil service system. In choosing Probation Officers, the civil service examination is conducted by experts, men or women, who are familiar with probation and social service work. This examination is in three parts: first, a statement of experience; second, written examination on the duties and laws of probation, and, third an oral examination to determine the fitness and personality of the applicant. The method above outlined is at present followed by the Municipal Civil Service Commission of New York City.

Training of Probation Officers

After men and women with the right personality and experience have been obtained for the probation staff, it is essential that they should be properly trained and that an *esprit de corps* be developed among them. In the probation work in the Magistrates' Courts, conferences of the whole staff have been held at regular intervals, and pertinent and up-to-date problems discussed, often by outside speakers. Difficult case conferences are held regularly between the Deputies, the Probation Officers-in-Charge, and the Probation Officers of the various bureaus. Moreover, difficult case conferences are also held frequently with the Judges.

Duties of Staff Defined and Formulated

Rules and regulations outlining the duties and work of the whole staff, including the Chief Probation Officer, the Deputy Chief Probation Officers, the Supervisors, the Probation Officers, as well as the clerks and typists, have been carefully worked out in great detail, and are being followed. This includes special rules applying to the particular bureaus, as well as general rules for the whole staff.

Attendance at Conferences

Members of the probation staff are encouraged to attend National, State and City conferences, and are sent regularly at the expense of the City. At the time of each conference, certain officers are assigned to attend and are required to take notes and report back to the staff group interesting information which they may have acquired at the conference. At least four or five officers are sent to each conference.

Educational Facilities

The latest periodicals, books on probation and problems of social work are purchased by the Department and kept in the central library where they are

available for the use of the Probation Officers. The special bureaus are also supplied with current works relating to probation and the social field.

Several officers have attended schools of sociology and social service and the whole staff is encouraged to attend schools of social work. Moreover, graduates of such schools have been appointed as Probation Officers.

Probation Officers Organized

The Probation Officers have formed an association of their own which acts as a co-operating unit with the Chief Probation Officer in the matter of securing additional officers and helping in campaigns to procure increases in salaries, as well as considering the special problems of the work itself.

Supervision and Direction of the Probation Officers

Over each bureau there has been appointed a Probation Officer-in-Charge, whose duty it is to direct and supervise those under him in the work of the bureau. This plan gives more adequate supervision over small units of work and has resulted in more intelligent and effective probation service. Hitherto, under the highly centralized plan of the system, the Deputy Chief Probation Officers were responsible for the supervisory work in two or three boroughs, with all their various kinds of courts and a total number of cases ranging from 3,500 to 4,000 monthly. No one can doubt the advantage of the new arrangement over the old.

Discipline of the Staff

The Probation Officers-in-Charge are responsible for the discipline of their particular groups. The Probation Officers are required to report to the different bureaus at nine o'clock in the morning and to leave the office at ten o'clock for field work. In addition, they are obliged to keep in frequent touch with their headquarters by telephone. Each Probation Officer keeps a record sheet showing the functional distribution of his time, viz.: court attendance, preliminary investigation, supervision, and clerical work. These are checked up monthly and if it is discovered that a Probation Officer is spending too much time on one function to the neglect of others, this fault is corrected. The same supervision is exercised over the functional distribution of the work of the bureaus and boroughs as a whole. The case supervisors and the Deputies check up all case histories and preliminary investigations and confer with the Probation Officers with regard to them. Charges, complaints, leaves of absence, must be forwarded to the Chief Probation Officer for approval and action. In case of any friction or maladjustment, the various Probation Officers are transferred to other bureaus where they can work more satisfactorily. Every attempt is made constantly by the administrative staff to train, interest, and encourage the Probation Officers.

2. SUPPORT OF PUBLIC OPINION

There is not likely to be an effective probation system in any city until there is a considerable body of public opinion, informed as to the meaning and value of probation, and until a number of citizens become publicly identified with and responsible for such work. Such citizens in turn will create and extend public opinion in its favor, demand higher and better standards in its administration, and protect it from improper influences.

Various methods have been used by our bureau to inform the public with regard to probation work. Annual reports are published as required by law, giving the progress of the work during the year, an interpretation of crime statistics to the community, the needs of the service, and plans for the future. These reports are distributed to interested organizations, newspapers and citizens. Addresses are constantly being given before associations, clubs, and groups of socially minded people. Bulletins are sent out frequently on new

developments of the work and changes of method, and these are in turn given to the press. Releases and statements are prepared for the newspapers frequently by the Chief City Magistrate and the Chief Probation Officer. Human interest stories are written up for the newspapers and magazines, but, of course, no names are mentioned or confidences divulged.

At different times we have conducted campaigns for an increased staff. This has brought to the attention of the public the significance, value and needs of the probation work. Special studies have also been made of the needs of the Probation System, current tendencies, effective standards, the development of family court procedure, and a plan of reorganization of the work in the Women's Court. These have been sent out to the newspapers, social agencies and citizens. Through these efforts the public is becoming more and more impressed with the value and importance of probation work. This is helpful in many ways. Not only is it useful in obtaining an increased staff, but also in securing sympathetic support for the passage of proper legislation, the reorganization of court procedure and co-operation in the case work of the Probation Officers.

3. CO-OPERATION BETWEEN THE COURT AND THE PROBATION OFFICERS

The Probation Officers by ascertaining all of the social facts involved in court cases, help the Magistrates arrive at more just and adequate decisions regarding the disposition of offenders. Earnest effort is made to induce the Judges not to place on probation the definitely feeble-minded, confirmed inebriates, or habitual offenders, since unfit subjects on probation tend to destroy the confidence of the public in the system and lower the efficiency of the Probation Officers. Aside from the primary function of the selection of cases for probation, which belongs to the Judge, he has also the fundamentally important duty of backing up and making effective all that the Probation Officer does. Full co-operation by the Court is, therefore, essential for effective probation work.

4. CO-OPERATION WITH OTHER AGENCIES

Our Probation System is constantly co-operating with social agencies and organizations, and helping them in the solution of various difficulties. In turn other institutions are constantly drawn upon to aid our probation service along lines for which they are especially equipped, so that there is a close and active interchange of ideas and information. We register with the Social Service Exchange and in all our case work attempt to secure for our families constructive aid and service from other agencies. We have in our courts representatives from the Catholic, Protestant and Jewish Big Sisters who stimulate and supplement the work of the Probation Officers and give emergent relief. We also actively co-operate with the United States Public Health Service and the State Health Department in their educational campaign against social disease. We have arranged with the United States Interdepartmental Social Hygiene Board for practical follow-up work and home treatment of men and women who were required to undergo venereal disease treatment at hospitals or clinics. We have also secured the aid and service of institutions for Americanization. Our Probation System is in touch with all of the constructive social forces in the community and we consider ourselves a vital and integral part of the social work of the city.

5. RECORDS AND EQUIPMENT

The Probation Department has secured the establishment of a yearly budget system in which is contained a statement of the appropriations necessary for the Probation Bureau for the ensuing year. This has been most effective in obtaining for the department the proper equipment and tools for its work.

District offices and bureaus have their own records, which are available for instant use and consultation. A Central Bureau of Records for the Greater City is maintained in the office of the Chief Probation Officer and a card index containing pertinent facts with regard to every case is readily available. This system provides for a central card control of all cases, but a de-centralization of case records and their filing in bureau and district offices.

New forms in accordance with the best known practices of probation have been drafted which provide for complete registration of the necessary social data with regard to the individual and his family. Preliminary investigation records and complete case histories are filed in every case in folders under a numerical system with an alphabetical card index. All of the records are in charge of record clerks specially trained for this work, and a Central Bureau of Records collates and analyzes all information.

Stenographers and typists are available for report writing and correspondence. Dictaphones are also used to facilitate the work of the Probation Officers. In short, every effort is made to relieve the Probation Officers of clerical work, so that they will have every opportunity to devote themselves to their principal duty of looking after and aiding persons placed on probation.

B. THE TECHNIQUE OF PROBATION

There is another large group of problems involved in the administration of as large a Probation System as is found in New York City. Some of those may be classed as follows:

- 1.—A system of assignment of cases to the Probation Officers that shall combine rapidity, evenness and elimination of duplication and laborious effort must be put into effect.

- 2.—An adequate technique and methodology of work as regards preliminary investigations and supervisory work, court procedure and record work must be crystallized and organized.

- 3.—The various courts must be socialized in their aims, procedure and equipment and the staff assigned and trained to carry on skillfully the specialized work required, and to develop an effective and rapidly functioning technique.

The problems just mentioned are most important, not only in the administration of the probation service, but because it is this particular group that most directly affects the treatment of probationers. Let us see just how this is true.

1. ASSIGNMENTS OF WORK

District Plan of Assignment

The Probation System in the Magistrates' Courts of New York has been developed under a plan of centralization of oversight and control in the Chief Probation Officer and his administrative aids, and a localization of the case work of the officers according to geographical districts. Each Probation Officer is in charge of a certain district and receives for investigation and supervision all persons residing within that territory. The preliminary investigations are telephoned by the Clerks of the Courts to the Record Clerks of the Central Probation Bureaus, who distribute them properly to the various Probation Officers. The supervisory cases are assigned likewise.

One advantage of limiting the work of each Probation Officer to a restricted area is that it economizes the time necessary to cover his territory. It also obviates overlapping of territory. Another advantage is that it enables him to know the people and different sources of information in his district. A fourth advantage and one that appears to us of great importance, is that he is

able to secure valuable assistance and help for his probationers from the social agencies in his district. No Probation Officer can expect to spread himself out so widely as to be all things to all those under his care. He should rather be a *social engineer* who will draw, whenever necessary, upon the resources and aid of the local welfare agencies.

Volume and Lack of Time Necessitates Efficiency

The preliminary investigation work for a city the size of New York throws a tremendous burden of responsibility upon the administrative side of the system. There is an enormous volume of work to be handled in a short time — usually within from 24 to 72 hours — so that the closest and most efficient kind of co-operation must exist between the police, for example, to obtain fingerprint records, and between the social service agencies in order to secure information concerning the family and relatives. Every attempt, therefore, must be made to eliminate lost motion and friction, so that the probation administrative machinery can perform its function swiftly and effectively.

2. ORGANIZATION OF PROBATION TECHNIQUE

Preliminary Investigations

Our Probation Officers seek information from as many sources as possible and are discriminating as to the relative competency and credibility of the persons from whom they obtain information. In making investigations the Probation Officers interview the defendant, the members of his family, relatives, friends, neighbors, associates, employer, and other persons. They also consult all agencies and records that are available and write and telegraph to other places for information. The inquiries are painstaking, for any misinformation might work serious injustice. Investigations are also conducted very discreetly lest the Probation Officer unnecessarily harm the defendant by letting it become too widely known that he has been arrested or convicted of crime.

Mental and Physical Examinations

One special feature of the preliminary investigation work which is given careful attention is that of physical and mental examinations. We have, for example, a psychiatrist stationed in the Women's Court. This is virtually the nucleus of a mental clinic. A similar clinic is being established in the Family Court. Moreover, we have numerous and excellent clinical resources scattered throughout the city, which include facilities for both mental and physical examination. These services have been utilized to their fullest extent and have been extremely valuable and helpful in making more effective the court and probation service.

Supervisory Work

During the first interview with his charge, the Probation Officer makes it a point to establish a friendly and sympathetic relationship. In the event that further information is required with regard to the probationer and his family which does not appear in the preliminary investigation report, a supplementary inquiry is made. After the necessary information is at hand, the Probation Officer, in collaboration with the Supervisor, formulates a plan of probation treatment.

The treatment aspects of the case work of probation are divided into six major divisions:

1. *Health*: which includes physical and mental examination, medical treatment and utilization of the hospital and clinical resources of the city, for the benefit of the probationer and his family.

2. *Education*: which means taking advantage of the opportunities offered by the night schools, special schools, settlements, Americanization and citizenship

classes, trade schools, etc. The Probation Officer also sees to it that his probationers' children of school age attend school regularly, and when they reach working age, he helps them to secure advantageous work.

3. *Employment*: that is, attention to the economic side of the probationer's life. This includes securing employment for men who have no jobs, personally and by co-operation with all the employment bureaus, public or private. For men whose present work is not satisfactory, better positions are obtained. The Probation Officers also encourage thrift and the habit of saving. Whenever necessary, loans are secured for the individual and the family.

4. *Recreation, or a recognition of the play spirit*: All of the great resources of the city are called into service—clubs, settlements, playgrounds, gymnasiums, athletic associations, community centers and other agencies.

5. *Spiritual Development*: This is the most important work of the Probation Officer. One of the most vital forces making for right conduct is religion. Church and religious organizations are brought into play and the *clergyman*, *priest*, or *rabbi* is requested to visit the family and actively interest himself in their welfare. Every effort is made to inculcate a spirit of self-reliance in the probationer and to develop strength of character.

6. *The Family* and not the individual is considered as the *unit* of the Probation Officer's work. The Probation Officer does not confine his efforts to the particular individual on probation, but considers the other members of the family who may need attention or help, especially the children. In working with the family, social agencies are utilized fully and every attempt is made to avoid duplication of effort.

The following are examples of special help given:

- Finding new living quarters for the family.
- Sending children to the country.
- Securing homes.
- Arranging for loans.
- Teaching mothers how to care for their children.
- Securing credit from landlords.
- Improving housing and living conditions.
- Securing legal advice.
- Advising wives regarding the care of their homes, especially as to proper buying and preparation of food.
- Taking probationers to places of amusement and libraries.
- Finding better boarding places; guaranteeing payment of board.
- Securing salary increases.
- Placing girls in trade schools for special training.
- Having board of health improve sanitary condition.
- Giving personal instruction to probationers preparing for examinations.

Methods of Supervision

Each probationer is required to report weekly to the Probation Officer, who in turn must visit the family twice a month. A regular system of office reporting and home visitation is followed. In office reporting careful attention is given to eliminate commingling of probationers and only small groups are permitted to be present at any particular time. One important innovation which has been introduced into the system is the de-centralization of reporting. Probationers report at a central place in the districts in which they reside and the Probation Officers are stationed at these centers one night weekly. This plan not only saves time and expense on the part of the probationer in traveling to and fro, but it brings the officer into close touch with his neighborhood and makes it convenient for those who wish to consult him to do so regularly at a definite time and place.

Adequate Supervision Necessary

During the probationary oversight of an offender, the Probation Officers must obtain a full knowledge of all the important factors in the life of the individual affecting his conduct. This must include full knowledge of his home surroundings, of the training received in the home, of his attendance at school and his aptitude shown in his school work, of his reaction to employment, of his forms of recreation, and of his religious training. Supervision must also include that which is very frequently overlooked, but is nevertheless of the highest importance—a careful mental and physical examination of the person by a competent physician. Such an examination will often bring to light defects of the senses or other abnormal mental and physical conditions, some of which are often susceptible of remedy, but which in any event will have a marked bearing, if not a determining effect, upon the individual's conduct. *It is self-evident that adequate supervision requires that considerable time must be devoted to each probationer.*

Modifications and Violations of Probation

In the Family Courts two days are set aside for the consideration of all problems with respect to probation. On these days modifications of court orders for support, conditions of probation, disagreements between husband and wife, violations of the terms of probation, are considered and adjusted. Probationers are returned to the court promptly when the Probation Officer is firmly convinced of the unfitness of the probationer for further probationary treatment. Every effort is made to apprehend absconders. For the district courts, of course, the Probation Court gives effective attention to warrants for arrest and arraignments for violation of probation, and the Women's Court does likewise in the problems of women violators.

Results of Probation

As to the results of probation, our records show that 75 per cent. of all those placed on probation make good. *Many lives that might have been marred have been remade by probation. Many youthful offenders who might have become confirmed criminals have been saved. Many homes have been rescued from destruction. Many women have been lifted from the depths of despair and millions of dollars have been saved to them and their little ones and the community which might have been wasted through prison sentences, loss of jobs and the consequent neglect that flows from incarceration of the family's breadwinner.*

Many examples of the astonishing results of probation could be cited. For instance, in Buffalo, 46 per cent. of all offenders convicted of felonies are placed on probation, 71 per cent. of whom are discharged with improvement. Massachusetts, the pioneer of probation, proclaims that she has not built a prison cell in twenty years, and that half the cells she has are vacant. On July 1, 1919, there were 4,936 more persons on probation in New York State than in all the penal institutions of the State. The number of persons on probation on this date was 15,685; the total prison population was 11,749. When we consider that it costs \$396.56 a year per capita for prison care in New York and only \$22.64 for probation care, we can readily understand what an enormous economic saving for the Government it is to have delinquents placed on probation.

Methodology

A small beginning has been made in the development of a definite procedure and methodology in our probation work in the Magistrates' Courts. For example, printed statements and instructions have been formulated for the guidance of the Probation Officers on various aspects of their work. A standard plan of conduct of preliminary investigations and report of cases to the courts has been worked out and put into operation. A standard plan for the treatment of probationers has been developed and is being followed. Printed instructions outlining the duties of all the members of the staff, principles of organization, rules and regulations, etc., have been drafted and issued to the Probation Of-

ficers. These assist materially in raising the standards of the probation treatment.

Probation needs a methodology something on the order of that set forth in Miss Mary E. Richmond's book on Social Diagnosis, one which considers the different types of probation cases and formulates the most effective methods of handling them. With such information on hand, we would find that the problem of training Probation Officers would be much simplified and probation work as a whole throughout the United States would be greatly benefited. We need a careful study of the sum total of the qualities of personality in order to formulate an adequate probation methodology. We need the same painstaking study of the human personality that the physician makes of the human body, the same study of the functions of the human spirit that the physician makes of human physiology; the same study of healing and upbuilding of human conduct, character and personality that the physicians make of the toxicology and hygiene of the human body.

A definite technique of probation, as in the case of pedagogy, means a careful study of human behavior with this difference, that in the case of probation it is applied to persons socially pathological. Such a methodology developed from a first hand study of actual cases, constantly applied afresh to individuals for constructive purposes, and used by properly trained Probation Officers, could not become mechanical and academic any more than a physician who treats dozens of patients a day can become mechanical and unrelated to reality in his work.

3. PROBATION WORK IN SPECIAL COURTS

The Probation System of the Magistrates' Courts is more that of a federation of autonomous units than a highly centralized system. We have four different units of organization—the Family Courts in Manhattan, Brooklyn and the Bronx, the Women's Courts in Manhattan and in Brooklyn, the District Courts in all the five boroughs and the two borough divisions in Queens and Richmond, in addition to six other special courts. To attempt to socialize those courts in their aims, procedure and equipment, to carry on skillfully the specialized work required and to develop an effective and rapidly functioning technique is not a small or an easy task.

Socialized Courts

The movement for socializing the machinery of the courts, especially in the establishment and extension of juvenile and domestic relations courts, has advanced rapidly. There is, however, a great deal of educational work to be done by Probation Officers with the public, with the judges, with lawyers and legislators, so that they will come more and more to realize and appreciate the modern socialized conception of the offender, the law, and the courts. For the effective treatment of social problems our courts must have machinery and equipment which is social in its nature. This will include adequate legislation and jurisdiction, socially-minded judges, ample probation departments, clinical facilities to make mental and physical examinations, and informal or private hearings when necessary. Concurrently with the development of probation, the movement must be advanced to make our courts more and more social agencies for the proper treatment and prevention of delinquency with all its consequent misery and social waste.

The New Probation Court

A court for probationers has been organized in the Magistrates' Courts. The Probation Court is not merely a device for establishing sympathetic relationships between the Magistrates and the probationers. It is the means of centering in one court the whole judicial supervision of persons on probation. Heretofore, probationers have been expected to appear before the Magistrates who tried them in case any dispute or question arose; but there are 43 Magistrates in New York City who rotate in the various courts, so that it is extremely

difficult to bring a probationer before the Magistrate who tried him. The result of this has been that Magistrates seldom heard about their cases. Moreover, the 43 Magistrates have entertained different and often conflicting ideas of the practices and purpose of probation, which, of course, has expressed itself in their methods of handling such cases. By establishing a single court, with exclusive jurisdiction over all these matters, the impracticabilities of the former system will be brought to an end, and diversity will give way to uniformity. Another idea underlying the establishment of the Probation Court is that a judicial termination of all probation periods is desirable. This gives dignity and impressiveness to the final act of the probation process. A more intelligent disposition of cases is secured by having them all reviewed, at the end of probation, by a single Magistrate who can apply uniform standards in deciding whether the men should be discharged, continued under oversight, or committed to an institution. Moreover, there is the advantage of having one Magistrate to hear and determine all violations of probation. To those whose conduct during probation has been satisfactory, an official certificate of discharge is issued. This certificate is a sort of diploma which can be shown by the probationer to anyone who in the future questions his fulfillment of the conditions of his probation. The proceedings in this court are simple and informal and suggestive of the atmosphere surrounding most juvenile courts. A further service that the court will render is that of strengthening the work of the Probation Officers. It is already noticeable that the work of the Probation Officers has improved under the stimulation of the Probation Court.

Without the splendid co-operation of Chief Magistrate William McAdoo, who in the usual progressive and forward-looking spirit which has been so distinctive of his administration of the affairs of the City Magistrates' Courts, this court could not have been created. Magistrate Brough, who has been appointed as Presiding Magistrate of the Probation Court, is also to be commended for his sympathetic and enthusiastic spirit. He is giving that kind of friendly, helpful service which has been characteristic throughout both his personal and official life. Moreover, he is serving as Presiding Judge of the new court in addition to his other work as a member of the Board of City Magistrates, sitting in the new court at night and giving generously and unstintingly of his time and effort. With a spirit such as is exemplified by both these eminent Judges, the new Probation Court cannot help but be an important factor in the reconstruction work of the courts.

Probation Period Must Be Adequate

It is obvious that a period of a few months is far too short to accomplish permanent results in changing the habits, attitude, environment and character of an offender. In fact, he would naturally require comparatively little observation during these few months, for the shock of the arrest, trial and conviction is still fresh in his mind, and he is not so likely to repeat at once the offense which brings in its train such undesirable consequences. It is when the shock of these things has passed away, when they have become less distinct and are less constantly borne in mind, and when the old temptations come back with their original force that the offender requires the guidance, the confidence and the moral support of a wise and a discreet friend such as the Probation Officer ought to be. It would seem generally that the minimum term of probation should be longer and the average term considerably longer than is now usually the case, and that only in this manner will the real difficulties as well as the real possibilities of probation be discovered. In New York, Massachusetts and New Jersey, experience leads to the belief that for adults the minimum period of oversight should be one year.

The period of probation in the Magistrates' Courts is in the majority of cases one year, in others six months. The period of a year is preferable, but an indefinite period of probation, allowing a man to work out his own salvation, and the time when this has been effected to be determined by the Probation Court, is a more intelligent arrangement, and is now being followed.

Family Courts

The probation work in the Family Courts where all problems growing out of broken-down families appear is really the heart of the probation service in our system. Nothing is more significant, more far-reaching in effect, than adequate supervisory work of the problems that arise in the Family Courts. The work of the Probation Officers is supplemented by the friendly service of the Big Sisters of all denominations working with the women and children in the home. In treating these problems, the closest and the most active co-operation with all social agencies is maintained. A special group of officers is assigned to each of the three Family Courts. This staff is divided into a Bureau of Investigation and a Bureau of Supervision. We have also a financial division or Alimony Bureau where moneys are paid for the support of families. All manner of family problems are brought to these courts, and virtually the whole family is on probation.

The probation procedure which has been set up in these courts provides for skillful, sympathetic and constructive treatment of each family that comes for assistance to the Family Courts. The outstanding features of the plan are as follows:

1. The woman in trouble coming to the court for the first time tells her story to a woman officer instead of to a man.
2. A plan of interview, inquiry and conference is followed, making it possible for many couples to come to an agreement or to be reconciled without court action.
3. Private hearings are held in each case requiring court action and a friendly round-table discussion of the family difficulties is carried on. The public hearing and formal court action with its attendant evils have been eliminated.
4. Through registration with the Social Service Exchange and the building up of a plan of co-operation with all Social Agencies, through the use of salaried workers from private organizations, the utilization of clinical facilities, and as a result of the socialization of the procedure, we have made these courts veritable clearing houses for the treatment of family problems.

Women's Courts

The work of the Women's Courts is especially strong and well organized. Specially trained women Probation Officers are assigned to these large social evil courts and they have the active co-operation of the workers from all the agencies doing protective work with girls and women. Careful physical and mental examinations are carried on, the fingerprint system of identification is utilized, the Probation Officers make exhaustive social investigations, case treatment is most carefully planned, detention homes, emergency funds and other resources are available, and excellent co-operation is maintained with all of the social forces of the city.

District Courts

In the District Courts we have the problems of young offenders, boys convicted of such offenses as disorderly conduct, breaches of the peace, vagrancy, public intoxication, and violation of ordinances. Here the probation service handles an unusually large volume of preliminary investigation work, and also provides friendly guidance and effective aid to a large number of youthful delinquents who have taken a first and sometimes a serious step in a criminal career. The Probation Officers also render a great deal of service in straightening out family and neighborhood disagreements which are brought to the courts for action.

Borough Divisions

In the two boroughs of Richmond and Queens there exist no special courts, so that the District Courts handle family problems, women offenders, and all other cases. Consequently, the special group of officers placed in these divisions must supervise all of the cases arising therein. The probation work is administered from a central office and the officers are assigned to cover the work of the different court districts. By means of kindly guidance, home visiting and practical service the officers secure excellent results in these localities.

A Study of Probationers After Release Desirable

A clinching argument of the value of probation would be a study of the life and habits of probationers three or five years after they have been released from probation, providing it could show that a large percentage of the probationers had made a success in life. Such a study was made in Buffalo in a small way a few years ago, and in 68 per cent. of the cases there was every evidence that the probationers had been permanently and substantially benefited by their probation, and to all appearances permanently removed from the ranks of criminals. A study of this kind, of an exhaustive nature and on a comprehensive scale, would establish beyond all question the strong and the weak points of probation, and its value as a constructive force in society. A series of such studies might be planned by the various courts in order to test the quality of the work.

A Country-wide Standardized System of Statistics

An adequate and standardized system of forms and statistical records should be established throughout the country so that in the course of a decade or two comparable data would accumulate for scientific study of the various aspects of probation and indeed of all social service work. The aim of probation should be not merely reconstruction but prevention and should attempt to discover the causes of delinquency. Indeed, this should be the major and ultimate purpose of all social agencies. Medicine in the past confined itself to remedial work, twentieth century medicine is coming to be preventive medicine. Nineteenth century social work is passing through the same phase. The probation service has a particularly valuable contribution to make in the study of the causes of delinquency and the means of its prevention, because at present the results to the individual and to society as a whole are particularly disastrous in the case of moral break-downs and infractions of the law. Poverty, improper parental oversight, lack of religious influences, bad companionship, defective education, bad working conditions, disease, bad housing, base political conditions, lack of recreational facilities, harmful neighborhood influences — any of these may be at the bottom of a district degeneracy. The advent of crime should be regarded as a symptom, a challenge to the social agencies to attack the problem at its source and inception, to study the causes of delinquency and proceed to eliminate them. The ideal of the Probation Officer, and of all social workers, should be to lessen his work; or, at any rate, to emphasize the preventive and reconstructive side of his task.

IV.

THE NEEDS OF PROBATION

Probation Dependent On City Administration

While the Probation Bureau is a part of the City's Court System, and as such under the direction of the Chief City Magistrate and the Board of City Magistrates, nevertheless it is dependent almost entirely on the Board of Estimate and Apportionment for its maintenance. Additional Probation Officers cannot be employed, nor can salaries be increased, without the action of the Board of Estimate. It can be seen, therefore, that the development of the probation service depends not only on the Magistrates, but also in a very large measure on the Board of Estimate and Apportionment.

Increase in Staff

Between March, 1912, when the probation service began under civil service regulations, and January, 1920, the staff of the Probation Bureau saw no increase. As a matter of fact, the original staff was reduced by six, although the volume of work had steadily increased. But in January, 1920, Mayor Hylan and the Board of Estimate, appreciating the needs of the Probation Service and its importance to the city, granted an increase of sixteen officers and eight clerks and typists. While this increase was far from sufficient, yet it was most welcome, and, we hope, a foretaste of more to come. We feel confident that we can continue to count on the support and co-operation of His Honor the Mayor and the Board of Estimate and Apportionment, to the end that the Probation System in the Magistrates' Courts may continue to render the most effective service possible.

The Needs of the Probation System in New York City

Two outstanding needs leap at once to the mind when this topic is broached. Briefly stated, they are, first, *a need of a larger staff*, and, second, *better salaries*. For several years our Probation Department has been handicapped by the lack of an adequate number of Probation Officers to do the work required by the courts in making preliminary investigations and in supervising persons placed on probation. In all communities where probation work has been established, a standard has been set up of *fifty cases per officer*. It is manifest that adequate probation work cannot be done when the officers must supervise often *five times that number* as is the condition today in the *Magistrates' Courts*.

Dangers of Inadequacy of Staff

The Probation System may easily become so weakened as to be of little value. If the Probation Officer has an excessively large number of persons under his care and consequently cannot keep himself informed as to their conduct and habits; if he fails to visit them at their homes or places of employment and relies solely upon their occasional visits to him, or even, as in some cases, on written reports or information that may reach him accidentally, it is evident that probation has lost its meaning and that we cannot expect it to effect any improvement in the point of view or habits of the offender. If the Probation Officer allows a probationer to disregard his instructions with impunity, the whole system of probation will fall into disrepute. The returns from the Probation System in the form of actual reformation in the habits and character of the offenders will be in exact proportion to the amount of time, intelligence, energy and personal influence put into the probation work by those who administer it. Probation is what the Probation Officer makes it. If he is so overburdened that he cannot do his work well, it tends to bring the entire Probation System into public disfavor and to decrease that wholesome respect for the law which should be the natural result of the probationary process.

There is no greater duty incumbent upon Probation Officers in all communities than that of keeping constantly before the proper appropriating bodies the need for an adequate probation staff, just compensation and sufficient clerical help. We know to our sorrow that wherever Probation Officers are overburdened with too many cases, real constructive probation work is impossible, no matter how carefully the Probation Officers are selected, how skillfully they are trained, or how hard they work.

A. THE NEED OF A LARGER STAFF

In spite of the fact that a small increase was secured in 1920, the Probation System of the Magistrates' Courts of New York City needs a staff three times its present size, in order to perform its functions adequately. *For many years the Probation Department has suffered from the lack of a sufficient number of Probation Officers. The situation is full of menace to the successful development of the Probation Service. The increases requested below are vitally necessary to the proper carrying on of effective probation work:*

1.—Probation Officers	106
2.—Clerks	47
3.—Typists	38

Total..... 191

Importance of Work with Families

At the present time 77 per cent. of the probation work in the Magistrates' Courts is with family cases from the Domestic Relations Courts. The responsibility of the officers in these cases is very great. They are the agents that keep the families together, and keep the men employed in the support of their families. We cannot over-emphasize the value of this work. A Probation Officer who keeps one of these men out of the Workhouse where he would be supported from public funds, and faithfully employed so that his family does not become a public charge, is rendering a real service to the City. The officers spend much more time in the service than should be expected from them, and still they are unable to more than scratch the surface in the family rehabilitation work.

Officers Spend from Ten to Twelve Hours Daily in Service

The Probation Officers are doing heroic work in the service, and spend on an average from ten to twelve hours per day, and even longer, in the discharge of their official duties. During 1919 they worked 25,577 hours more than the hours required of City employees. They can, however, even with this unusual devotion to duty, accomplish only a very small portion of the work that they ought to do, to properly supervise the men, women and families in their charge. *The City is fortunate in having such loyal and devoted men and women in the service of the Probation Department, and should avoid breaking them down completely by over-burdening them with an amount of work that is simply impossible for them to do.*

In the difficult family cases, to do effective work, the officers should have no more than *fifty persons on probation at one time.*

Economy of Probation

Under the supervision of the Probation Officers, more than \$3,393,318 was paid for the support of families during the years of 1915 to 1919. *This year the sum collected will in all probability amount to more than a million and a half dollars for the year 1920 alone.* Were it not for the Probation Officers, much of this support would have had to be paid by the City to dependent families. The saving to the City for the maintenance in prisons and correctional institutions of the 27,737 defendants convicted and placed on probation in the years 1915 to 1919 totals approximately \$5,817,586.85. Men on probation support themselves and their families, and they are productive factors in the community. In jail they are liabilities and very often their families become a burden upon the public. *Probation, instead of being an increased expense to the City, is in reality a great tax saver.*

Need of More Clerical Help

At the present time there are only 9 clerks and 11 typists to handle record and clerical work in the Probation Department of the five boroughs. Additional clerical assistance is vitally necessary.

A large number of the investigations in the City Magistrates' Courts are submitted to the Magistrates in longhand because of insufficient typists, and most of the case histories of the probationers are written in longhand. Many of the officers are forced to work at night on these records in an effort to render conscientious service. It is necessary to conduct important correspondence in longhand, which does not permit of the retention of copies. Probation Officers are often discouraged because the proper records which form the supporting evidence of their actions, are not always at hand.

By reason of the lack of an adequate staff of typists, facts and figures vitally necessary as a basis upon which to predicate changes in policy and to trace out the reasons for failure in work, have not been available. The Chief Probation Officer has been seriously hampered in drafting special reports and in furnishing information to the Chief Magistrate, the Magistrates, city authorities, and others, because of the lack of proper records.

B. THE NEED OF BETTER SALARIES

If persons released from the necessity of a prison career are to be reformed and are to achieve a proper conception of their own delinquency and their own opportunity, and are not to hold the probation period in contempt as an easy way out of a prison career, then the Probation Officer must indeed be an efficient, high grade person. Nothing is more indicative of the greater interest in probation work, not more conducive to improvement, both in the quantity and quality of the service, than the larger salaries which are being paid each year to Probation Officers. There is hardly any feature of the system more important, both in order to obtain qualified persons who can devote their entire time to the work and also to hold them after they have secured experience. Better salaries are urged solely for the purpose of raising the standard of the service. When one considers the demands made upon a Probation Officer and the responsibilities which rest upon him, it is clear that salaries of \$1,600 and \$1,800 are still inadequate.

In New York at present the salaries vary from \$1,647 to \$2,232 per annum. We have found it difficult to retain men and women working for such salaries. It has been suggested that people should be sufficiently interested in the work to undertake it in spite of low salaries, in a missionary spirit. We cannot agree with this point of view. There are many who have had the necessary training and experience in this work and who are drawn to it by a sincere interest in probation, but who have personal responsibilities which make it necessary for them to earn a living wage. Moreover, we firmly believe that "the laborer is worthy of his hire." We recommend that the *minimum salary* be not less than \$2,000 for qualified, full-time officers, *with yearly increases* allowed for efficient service. Effective probation costs money, but it pays.

V. THE FUTURE OF PROBATION

Possibilities of Probation

The Probation System is capable of much wider acceptance and more extended use, but, in common with all other human institutions, it is not free from its own peculiar dangers. These dangers arise in the main from a disposition to regard the newest thing in social advance as a panacea, and consequently to apply it to all sorts of cases without discrimination. Probation is a valuable institution, but it is not in all cases, even of juvenile offenders, a proper substitute for commitment. To fail to place the offender under a vigorous corrective discipline when such course is clearly indicated by the circumstances of the offense and the previous character and the present disposition of the offender, is an evil only less serious than to imprison the offender when the circumstances would justify his release upon probation.

The system of probation, of supervision in social life, must grow as the use of prisons diminishes. The inefficiency of this supervision is as yet the weakest point and needs to be strengthened by sufficient appropriation and by wise administration. If one-tenth of the funds now expended by our communities upon the support of penitentiaries, jails and prisons, were intelligently used in providing for the employment, care and supervision of offenders on probation, the effects, as our experience already proves, would be of multiplied value, and by preventing crime would work a vast economy for the state.

The Future of Probation

Probation is undoubtedly the most important recent development in the administration of the criminal law. The rapidity of the extension of probation service throughout the country in the past years is proof that it fills a fundamental need; that in both principle and organization it has struck deep roots which will mean permanent and continuous growth. We cannot venture to predict what will be the eventual outcome of the rivalry between probation and penal institutions. It may be that both will continue to exist, but that probation may finally outstrip in importance and in extent penal institutions. Possibly, in the last analysis, the penal institutions will become the place of detention for those persons morally incurable.

Our first great task is to make sure that the work which we are doing is being done adequately. We must constantly analyze and check up our methods of work. We should continually be testing the results of our efforts. We must not permit the great driving humane motive behind probation to degenerate into mawkish sentimentality, or believe that emotional fervor is an adequate substitute for concrete results. A tree is judged by the fruit it bears; we will be judged by the lasting and constructive impressions we leave upon the characters of the persons with whom we deal. We must, therefore, be continually on our guard against mechanical methods and superficial effort. Sincere and skillful workmanship must be our constant ideal.

Moreover, it devolves upon us to continue to plan and add to the present structure which we have commenced. To do this we must have a vision, an adequate conception of the potentialities of the probation service. We must also endeavor to work out these plans and ideals in a practical manner, to crys-

realize our experience into a distinctive and effective methodology, to put into operation adequate administrative control in the probation systems of the city, county, state and federal courts. All phases and relationships of the social problem must be considered, all factors and institutions taken into consideration.

In the development of the probation service we must never lose sight of the personality and effectiveness of the Probation Officer. The Probation Officer is the representative of the great conserving institution of society. It is he who has the direct contact with the probationer and represents to him the spirit and the authority of the law. As a piece of logical ingenuity, the administrative system may be the best obtainable, but unless the Probation Officer is well trained, capable and sympathetic in his relationship to his charges, all else is as sounding brass. This powerful and almost universal impulse of magnanimity towards those who err must be focused, crystallized and organized so as to obtain definite and permanent results.

As has been pointed out by a European writer, "It is in many respects very grateful soil that has been opened up for cultivation by the introduction of the Probation System. As a rule it is a question of treating the pick of the great army of wrong-doers, concerning whose rescue the very best hopes may be entertained. The work of rescuing them is carried on not within the narrow walls of an institution with its more limited possibilities, but in the full flow of life, with all those possibilities that offer for anyone who *wills* to break their way once more to a respectable calling. The conflict against criminality will thus be transferred to another and wider plane than previously. From being a question that, strictly speaking, simply affected a narrow group of officials, it has now developed to a question that concerns almost every individual in the community. The contest against criminality tends more and more to become the business of the entire community, a great social question, for the due solution of which we need the assistance of every good and available power."

Probation—An Element in the Whole Scheme of Social Re-construction

We must not forget our relation to the social problem as a whole. More and more we are coming to think of probation as only one factor in the great leavening process which social work in all its phases is effecting in the country. We are realizing more and more profoundly that probation does not differ essentially in its aims and functions from any of the other great divisions of social work. The Probation System, in common with all the other organizations, is dealing constructively with the same kind of material, namely, human beings. It is only part of the twentieth century's colossal effort to increase the well-being and happiness of members of society. If we will only keep this large point of view constantly in mind, we shall be able to maintain a sane point of view, we shall not become obsessed with an undue sense of our importance, we shall not attempt to do alone what only can be accomplished by the active and whole-hearted co-operation of all the constructive forces of the community. The magnitude and the significance of our task constantly before us will stimulate our ambition and will arouse in us the great emotions of allegiance and loyalty which will impel us to labor more diligently and to accomplish larger and more permanent results.



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"If we work upon marble,

* * *

It will perish ;

* * *

If we work upon brass,

* * *

Time will efface it;

* * *

If we rear temples,

* * *

They will crumble into dust;

* * *

But if we work on immortal minds,

* * *

If we imbue them with principles,

* * *

With the just fear of God

* * *

And love of our fellow man,

* * *

We engrave on those tablets

* * *

Something that will brighten to

* * *

All Eternity."



THE
PROGRESS
OF
PROBATION